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93^d CONGRESS
2^d SESSION

S. 3044

IN THE SENATE OF THE UNITED STATES

MARCH 26, 1974

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. CLARK to S. 3044, a bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns, viz:

1 On page 3, beginning with line 6, strike out through
2 line 4 on page 25 and insert in lieu thereof the following:

3 “TITLE V—PUBLIC FINANCING OF FEDERAL
4 ELECTION CAMPAIGNS

5 “DEFINITIONS

6 “SEC. 501. When used in this title—

7 “(1). ‘candidate’ means an individual who seeks
8 nomination for election, or election, to Federal office,
9 whether or not he is elected, and, for purposes of this

1 paragraph, an individual seeks nomination for election,
2 or election, if he (A) takes the action necessary
3 under the law of a State to qualify himself for nomina-
4 tion for election, or election, to Federal office, (B) re-
5 ceives contributions or makes expenditures, or (C) gives
6 his consent for any other person to receive contribu-
7 tions or make expenditures for the purpose of bringing
8 about his nomination for election, or election, to such
9 office;

10 “(2) ‘Commission’ means the Federal Election
11 Commission established under section 502;

12 “(3) ‘contribution’—

13 “(A) means a gift, subscription, loan, ad-
14 vance, or deposit of money or anything of value,
15 made for the purpose of—

16 “(i) influencing the nomination for elec-
17 tion, or election, of any person to Federal office
18 or as a Presidential or Vice-Presidential elec-
19 tor; or

20 “(ii) influencing the result of a primary
21 election held for the selection of delegates to a
22 national nominating convention of a political
23 party or for the expression of a preference for
24 the nomination of persons for election to the
25 office of President;

1 “(B) means a contract, promise, or agree-
2 ment, whether or not legally enforceable, to make a
3 contribution for any such purpose;

4 “(C) means a transfer of funds between po-
5 litical committees; and

6 “(D) means the payment, by any person other
7 than a candidate or political committee, of compen-
8 sation for the personal services of another person
9 which are rendered to such candidate or committee
10 without charge for any such purpose; but

11 “(E) does not include—

12 “(i) (except as provided in subparagraph
13 (D)) the value of personal services rendered to
14 or for the benefit of the candidate by an in-
15 dividual who receives no compensation from
16 any person for rendering such service;

17 “(ii) payments under section 509;

18 “(iii) newstories, commentaries, and edi-
19 torials on broacast stations or in newspapers,
20 magazines, and other periodical publications
21 (other than a publication of a political party,
22 a political committee as defined in section
23 591 (d) of title 18, United States Code, a candi-
24 date or an agent of any of the foregoing) ; non-
25 partisan registration and get-out-the-vote activ-

1 ity; communications by an established member-
2 ship organization (other than a political party)
3 to its members, or by a corporation (not orga-
4 nized for purely political purposes) to its stock-
5 holders;

6 “(4) ‘expenditure’ means—

7 “(A) a purchase, payment, distribution, loan,
8 advance, deposit, or gift of money or anything of
9 value, made for the purpose of—

10 “(i) influencing the nomination for elec-
11 tion, or election, of any person to Federal office,
12 or as a Presidential and Vice-Presidential elec-
13 tor; or

14 “(ii) influencing the result of a primary
15 held for the selection of delegates to a national
16 nominating convention of a political party or
17 for the expression of a preference for the nomi-
18 nation of persons for election to the office of
19 President;

20 “(B) a contract, promise, or agreement,
21 whether or not legally enforceable, to make an
22 expenditure; and

23 “(C) a transfer of funds between political
24 committees;

25 “(5) ‘Federal office’ means the office of President

1 of the United States or of Senator or Representative
2 in the Congress of the United States;

3 “(6) ‘general election’ means any election, includ-
4 ing special elections, held for the election of a candidate
5 to Federal office;

6 “(7) ‘major party’ means a political party which,
7 in the preceding general election nominated a candi-
8 date who—

9 “(A) received, as the candidate of that party,
10 25 percent or more of the total number of popu-
11 lar votes cast for all candidates for election to that
12 office; or

13 “(B) received, as the candidate of that party,
14 the largest number or second largest number of
15 popular votes cast for any candidate for election
16 to that office;

17 “(8) ‘minor party’ means a political party which
18 is not a major political party;

19 “(9) ‘political party’ means a committee, associa-
20 tion, or organization the primary purpose of which is
21 to select and to support individuals who seek election
22 to Federal, State, and local office as the candidate of
23 that committee, association, or organization;

24 “(10) ‘primary election’ means (A) an elec-
25 tion, including a run-off election, held for the nomina-

1 tion of a candidate for election to Federal office, (B)
2 a convention or caucus of a political party held for the
3 nomination of such a candidate, (C) an election held
4 for the selection of delegates to a national nominating
5 convention of a political party, and (D) an election
6 held for the expression of a preference for the nomina-
7 tion of persons for election to the office of President;

8 “(11) ‘Representative’ includes Delegates or Resi-
9 dent Commissioners to the Congress of the United
10 States; and

11 “(12) ‘State’ means each State of the United
12 States, the District of Columbia, the Commonwealth of
13 Puerto Rico, and any territory or possession of the
14 United States.

15 “FEDERAL ELECTION COMMISSION

16 “SEC. 502. (a) (1) There is established, as an inde-
17 pendent establishment of the executive branch of the Gov-
18 ernment of the United States, a commission to be known
19 as the Federal Election Commission.

20 “(2) The Commission shall be composed of seven
21 members who shall be appointed by the President by and
22 with the advice and consent of the Senate. Of the seven
23 members—

24 “(A) two shall be chosen from among individuals
25 recommended by the President pro tempore of the Sen-

1 ate, upon the recommendations of the majority leader
2 of the Senate and the minority leader of the Senate;
3 and

4 “(B) two shall be chosen from among individuals
5 recommended by the Speaker of the House of Repre-
6 sentatives, upon the recommendations of the majority
7 leader of the House and the minority leader of the
8 House.

9 The two members appointed under subparagraph (A) shall
10 not be affiliated with the same political party; nor shall the
11 two members appointed under subparagraph (B). Of the
12 three members not appointed under such subparagraphs, no
13 more than two shall be affiliated with the same political
14 party.

15 “(3) Members of the Commission shall serve for terms
16 of seven years, except that, or the members first appointed—

17 “(A) two of the members not appointed under
18 subparagraph (A) or (B) of paragraph (2) shall be
19 appointed for terms ending on the April 30th first
20 occurring more than six months after the date on which
21 they are appointed;

22 “(B) one of the members appointed under para-
23 graph (2) (A) shall be appointed for a term ending
24 one year after the April 30 on which the term of the

1 member referred to in subparagraph (A) of this para-
2 graph ends;

3 “(C) one of the members appointed under para-
4 graph (2) (B) shall be appointed for a term ending
5 two years thereafter;

6 “(D) one of the members not appointed under
7 subparagraph (A) or (B) of paragraph (2) shall be
8 appointed for a term ending three years thereafter;

9 “(E) one of the members appointed under para-
10 graph (2) (A) shall be appointed for a term ending
11 four years thereafter; and

12 “(F) one of the members appointed under para-
13 graph (2) (B) shall be appointed for a term ending
14 five years thereafter.

15 “(4) Members shall be chosen on the basis of their
16 maturity, experience, integrity, impartiality, and good judg-
17 ment. A member may be reappointed to the Commission
18 only once.

19 “(5) An individual appointed to fill a vacancy occurring
20 other than by the expiration of a term of office shall be
21 appointed only for the unexpired term of the member he
22 succeeds. Any vacancy occurring in the office of a member
23 of the Commission shall be filled in the manner in which
24 that office was originally filled.

25 “(6) The Commission shall elect a Chairman and a

1 Vice Chairman from among its members for a term of two
2 years. The Chairman and the Vice Chairman shall not be
3 affiliated with the same political party. The Vice Chairman
4 shall act as Chairman in the absence or disability of the
5 Chairman, or in the event of a vacancy in that office.

6 “(b) A vacancy in the Commission shall not impair
7 the right of the remaining members to exercise all the powers
8 of the Commission and four members thereof shall constitute
9 a quorum.

10 “(c) The Commission shall have an official seal which
11 shall be judicially noticed.

12 “(d) The Commission shall at the close of each fiscal
13 year report to the Congress and to the President concerning
14 the action it has taken; the names, salaries, and duties of all
15 individuals in its employ and the money it has disbursed;
16 and shall make such further reports on the matters within its
17 jurisdiction and such recommendations for further legislation
18 as may appear desirable.

19 “(e) The principal office of the Commission shall be in
20 or near the District of Columbia but it may meet or exercise
21 any or all its powers in any State.

22 “(f) The Commission shall appoint a General Counsel
23 and an Executive Director to serve at the pleasure of the
24 Commission. The General Counsel shall be the chief legal
25 officer of the Commission. The Executive Director shall be

1 responsible for the administrative operations of the Com-
2 mission and shall perform such other duties as may be dele-
3 gated or assigned to him from time to time by regulations
4 or orders of the Commission. The Commission shall not
5 delegate the making of regulations regarding elections to
6 the Executive Director.

7 “(g) The Commission may obtain the services of
8 experts and consultants in accordance with section 3109 of
9 title 5, United States Code.

10 “(h) In carrying out its responsibilities under this title,
11 the Commission shall, to the fullest extent practicable, avail
12 itself of the assistance, including personnel and facilities, of
13 the General Accounting Office and the Department of Jus-
14 tice. The Comptroller General and the Attorney General
15 are authorized to make available to the Commission such
16 personnel, facilities, and other assistance, with or without
17 reimbursement, as the Commission may request.

18 “(i) The provisions of section 7324 of title 5, United
19 States Code, shall apply to members of the Commission not-
20 withstanding the provisions of subsection (d) (3) of such
21 section.

22 “(j) (1) Whenever the Commission submits any budget
23 estimate or request to the President or the Office of Man-
24 agement and Budget, it shall concurrently transmit a copy
25 of that estimate or request to the Congress.

1 “(2) Whenever the Commission submits any legisla-
2 tive recommendations, or testimony, or comments on legis-
3 lation requested by the Congress or by any Member of
4 Congress to the President or the Office of Management and
5 Budget, it shall concurrently transmit a copy thereof to
6 the Congress or to the Member requesting the same. No
7 officer or agency of the United States shall have any author-
8 ity to require the Commission to submit its legislative rec-
9 ommendations, or testimony, or comments on legislation, to
10 any officer or agency of the United States for approval,
11 comments, or review, prior to the submission of such rec-
12 ommendations, testimony, or comments to the Congress.

13 “(k) In verifying signatures on petitions required under
14 this title, the Commission shall avail itself of the assistance,
15 including personnel and facilities, of State and local govern-
16 ments to the extent those governments have already estab-
17 lished programs to verify signatures on petitions. The Com-
18 mission may make agreements with State and local gov-
19 ernments to reimburse those governments for such assistance.

20 “POWERS OF COMMISSION

21 “SEC. 503. (a) The Commission shall have the power—

22 “(1) to make, pursuant to the provisions of chap-
23 ter 5 of title 5, United States Code, any rules necessary
24 to carry out its functions under this Act, including rules
25 defining terms used in this Act and rules establishing

1 procedures for gathering and certifying signatures on
2 petitions required under this title;

3 “(2) to make rules governing the manner of its
4 operations, organization, and personnel;

5 “(3) to require, by special or general orders, any
6 person to submit in writing reports and answers to ques-
7 tions the Commission may prescribe; and those reports
8 and answers shall be submitted to the Commission with-
9 in such reasonable period and under oath or otherwise
10 as the Commission may determine;

11 “(4) to administer oaths;

12 “(5) to require by subpoena, signed by the Chair-
13 man or the Vice Chairman, the attendance and testi-
14 mony of witnesses and the production of all documen-
15 tary evidence relating to the execution of its duties;

16 “(6) in any proceeding or investigation, to order
17 testimony to be taken by deposition before any person
18 designated by the Commission who has the power to
19 administer oaths, and to compel testimony and the pro-
20 duction of evidence in the same manner as authorized
21 under paragraph (5) of this subsection;

22 “(7) to pay witnesses the same fees and mileage as
23 are paid in like circumstances in the courts of the United
24 States;

25 “(8) to initiate (through civil proceedings and

1 through presentations to Federal grand juries), prosecute,
2 cute, defend, or appeal any court action in the name of
3 the Commission for the purpose of enforcing the provisions
4 of this title and of sections 602, 608, 610, 611,
5 612, 613, 614, 615, 616, and 617 of title 18, United
6 States Code, and to recover any amounts payable
7 to the Secretary of the Treasury under section 510,
8 through its General Counsel; and

9 “(9) to delegate any of its functions or powers,
10 other than the power to issue subpoenas under paragraph
11 (5) to any officer or employee of the Commission.

12 “(b) Any United States district court within the jurisdiction
13 of which any inquiry is carried on, may, upon
14 petition by the Commission—

15 “(1) in case of refusal to obey a subpoena or order
16 of the Commission issued under subsection (a) of this
17 section, issue an order requiring compliance therewith;
18 and any failure to obey the order of the court may be
19 punished by the court as a contempt thereof; and

20 “(2) upon the request of the Commission, convene
21 a special Federal grand jury to investigate possible
22 violations of this Act.

23 “(c) No person shall be subject to civil liability to any
24 person (other than the Commission or the United States)
25 for disclosing information at the request of the Commission.

1 “(d) Notwithstanding any other provision of law, the
2 Commission shall be the primary civil and criminal enforce-
3 ment agency for violations of the provisions of this title,
4 and of sections 602, 608, 610,, 611, 612, 613, 614, 615, 616,
5 and 617 of title 18, United States Code. The Attorney Gen-
6 eral shall prosecute violations of this Act or those sections
7 of title 18 only upon the request of the Commission.

8 “(e) Upon application made by any individual holding
9 Federal office, any candidate, or any political committee,
10 the Commission, through its General Counsel, shall provide,
11 within a reasonable period of time, an advisory opinion
12 whether any specific transaction or activity may constitute
13 a violation of any provision of this title or of any provi-
14 sion of title 18, United States Code, over which the Com-
15 mission has primary jurisdiction under subsection (d).

16 “ELIGIBILITY FOR FINANCING

17 “SEC. 504. (a) Each political party and candidate
18 shall—

19 “(1) agree to obtain and to furnish to the Com-
20 mission any evidence it may request about the ex-
21 penditures by that party or candidate;

22 “(2) agree to keep and to furnish to the Commis-
23 sion any records, books, and other information it may
24 request; and

25 “(3) agree to an audit and examination by the

1 Commission under section 509 and to pay any amounts
2 required under section 509.

3 “(b) Each political party and candidate shall certify
4 to the Commission that—

5 “(1) the candidate will not incur expenditures
6 greater than the limitations in section 506; and

7 “(2) no contributions greater than the limitations
8 on contributions in section 615 of title 18, United States
9 Code, have been or will be accepted by the party or
10 candidate.

11 “(c) To be eligible to have the Commission make any
12 payments under section 508, a candidate shall file all agree-
13 ments and certifications required under subsections (a) and
14 (b) with the Commission before the date of the relevant
15 election at the time required by the Commission.

16 “(d) To be eligible to have the Commission make any
17 payments in connection with a major party primary election
18 campaign under section 508, a candidate who seeks the
19 nomination of that party must in addition to the require-
20 ments of subsection (c), file with the Commission not later
21 than two hundred and ten days before the date of that
22 primary election—

23 “(1) a declaration that the candidate is seeking
24 the nomination of a named major party for election to
25 the office of Representative and a petition in support of

1 his candidacy signed by a total number of people in
2 excess of 2 per centum of the voting age population (as
3 certified under section 506 (f)) of the congressional
4 district in which he seeks election; or

5 “(2) a declaration that the candidate is seeking the
6 nomination of a named major party for election to the
7 office of Representative in a State which is entitled to
8 only one Representative, to the office of Senator, to the
9 office of Vice President, or to the office of President,
10 and a petition in support of his candidacy signed by a
11 total number of people in excess of 1 per centum of the
12 voting age population (as certified under section 506
13 (f)) of the geographic area in which the primary
14 election for that office is held.

15 “(e) (1) No candidate is eligible under subsection (d)
16 until the Commission verifies that the petition filed by the
17 candidate meets the requirements of subsection (d) and
18 that—

19 “(A) the signatures on the petition are valid;

20 “(B) the individuals who signed the petition are
21 eighteen years of age or older;

22 “(C) the individuals who signed the petition live in
23 the geographic area in which the general election for
24 the office the candidate seeks is held or are qualified

1 to vote in the primary election under the laws of the
2 State in which that election is held; and

3 “(D) no individual who signed the petition has
4 signed a petition required under this section of any
5 other candidate for the same office.

6 “(2) The Commission shall approve or disapprove any
7 petition filed under this subsection not later than one hundred
8 and eighty days before the date of the primary election in
9 connection with which that petition is filed.

10 “(f) To be eligible to have the Commission make any
11 payments under section 508, a political party must, in addi-
12 tion to the requirements of subsection (c), file with the
13 Commission, at the time and in the manner the Commis-
14 sion prescribes by rule, a declaration that the political party
15 will nominate candidates who will actively campaign for
16 election in the next regular general election.

17 “ENTITLEMENTS

18 “SEC. 505. (a) (1) A candidate who is eligible for
19 Federal financing of his campaign under section 504 is
20 entitled to payment by the Commission of expenditures
21 he incurs in connection with his campaign for nomination
22 by a major political party.

23 “(2) No candidate who seeks the nomination of a
24 major party is entitled to payment of his expenditures by

1 the Commission under this subsection in excess of an amount
2 which is equal to the amount the candidate is permitted to
3 incur in connection with his primary election campaign
4 under section 506 (a) (1) or (b), as applicable.

5 “(b) (1) Every candidate nominated by a political
6 party who is eligible for Federal financing of his cam-
7 paign under section 504 is entitled to payment by the Com-
8 mission of expenditures he incurs in connection with his
9 general election campaign.

10 “(A) No candidate of a major party is entitled to
11 payment of his expenditures by the Commission under
12 this subsection in excess of an amount which is equal
13 to the amount the candidate is permitted to incur in con-
14 nection with his campaign for election under section
15 506 (a) (2) or (b).

16 “(B) No candidate of a minor party is entitled to
17 payment of his expenditures by the Commission under
18 this subsection in excess of an amount which is equal to
19 the greater of—

20 “(i) an amount which bears the same ratio
21 to the amount of payments to which a candidate of
22 a major party for the same office is entitled under
23 this subsection as the total number of popular votes
24 received by the candidate of that minor party for
25 that office in the preceding general election bears

1 to the average number of popular votes received by
2 the candidate of a major party for that office in
3 the preceding general election; or

4 “(ii) an amount which bears the same ratio
5 to the amount of payments to which a candidate of
6 a major party for the same office is entitled under
7 this subsection as the total number of popular votes
8 received by the candidate in the current general
9 election bears to the average number of popular
10 votes received by the candidate of a major party for
11 that office in the current general election.

12 “(2) (A) Every independent candidate who is eligible
13 for Federal financing of his campaign under section 504 is
14 entitled to payment by the Commission of expenditures he
15 incurs in connection with his general election campaign.

16 “(B) No independent candidate is entitled to pay-
17 ment of his expenditures by the Commission under this sub-
18 section in excess of an amount which is equal to the greater
19 of—

20 “(i) an amount which bears the same ratio to the
21 amount of payment to which a candidate of a major
22 party for the same office is entitled under this subsec-
23 tion as the total number of popular votes received by
24 the independent candidate as a candidate for that office
25 in the preceding general election bears to the average

1 number of popular votes received by the candidate of a
2 major party for that office in the preceding general
3 election; or

4 “(ii) an amount which bears the same ratio to the
5 amount of payment to which a candidate of a major
6 party for the same office is entitled under this subsection
7 as the total number of popular votes received by the
8 independent candidate in the current general election
9 bears to the average number of popular votes received
10 by the candidate of a major party for the same office in
11 the current general election.

12 “(c) A minor party candidate or an independent can-
13 didate who (1) was the candidate of a major party for the
14 same office in the preceding general election, (2) received
15 the largest or second largest number of popular votes cast
16 for a candidate for that office in the preceding general elec-
17 tion, or (3) received more than 25 per centum of the total
18 number of popular votes cast in the preceding general
19 election for that office shall be considered to be the candidate
20 of a major party for purposes of this section.

21 “(d) (1) Every political party which is eligible for
22 Federal financing under section 504 is entitled to payment
23 by the Commission of expenditures it incurs in connection
24 with Federal election activities such as voter registration
25 drives, get-out-the-vote drives, and nominating conventions.

1 “(2) No political party is entitled to payment of its ex-
 2 penditures by the Commission under this subsection in excess
 3 of—

4 “(A) 20 per centum of the amount of payment by
 5 the Commission to which the Presidential candidate of
 6 that party is entitled under subsection (b), in any year
 7 in which a regular quadrennial Presidential election is
 8 held; or

9 “(B) 15 per centum of the amount of payment by
 10 the Commission to which the Presidential candidate of
 11 that party is entitled during a regular quadrennial Presi-
 12 dential election year under subsection (b) in any other
 13 year.

14 “(e) Notwithstanding the provisions of subsection (b),
 15 no minor party candidate or independent candidate is en-
 16 titled to payment by the Commission of any expenditures
 17 under this section which, when added to the total amount
 18 of contributions received by him in connection with his
 19 campaign, exceed the amount of expenditures he may incur
 20 in connection with that campaign under the provisions of
 21 section 506.

22 “EXPENDITURE LIMITATIONS

23 “SEC. 506. (a) (1) Except to the extent that such
 24 amounts are changed under subsection (e), no candidate,
 25 other than a candidate for the office of President, may incur

1 any expenditure in connection with his primary election
2 campaign in excess of—

3 “(A) in the case of a candidate who seeks nomina-
4 tion for election to the office of Senator, the greater of—

5 “(i) 15 cents multiplied by the voting age
6 population (as certified under subsection (f)) of
7 the State in which he seeks nomination for election;
8 or

9 “(ii) \$175,000;

10 “(B) in the case of a candidate who seeks nomina-
11 tion for election to the office of Representative—

12 “(i) 25 cents multiplied by the voting age
13 population (as certified under subsection (f)) of
14 the congressional district in which he seeks nomina-
15 tion for election; or

16 “(ii) the limitation under subparagraph (A)
17 if the State in which he seeks nomination is entitled
18 to only one Representative.

19 “(2) Except to the extent that such amounts are in-
20 creased under subsection (e) no candidate, other than a
21 candidate for election to the office of President, may incur
22 any expenditure in connection with his general election
23 campaign in excess of—

24 “(A) in the case of a candidate who is seeking
25 election to the office of ~~Senator~~, the greater of—

1 “(i) 20 cents multiplied by the voting age
2 population (as certified under subsection (f)) of
3 the State in which he seeks election; or

4 “(ii) \$250,000;

5 “(B) in the case of a candidate who is seeking
6 election to the office of Representative—

7 “(i) 30 cents multiplied by the voting age
8 population (as certified under subsection (f)) of
9 the State in which he seeks election; or

10 “(ii) the limitation under subparagraph (A)
11 if the State in which he seeks election is entitled
12 to only one Representative.

13 “(b) (1) No candidate for nomination for election,
14 to the office of President may incur any expenditure in
15 any State in connection with his campaign in excess of
16 the amount which a candidate for nomination for election,
17 or election, to the office of Senator (or for nomination for
18 election, to the office of Delegate, in the case of the District
19 of Columbia) may incur within that State in connection
20 with his campaign for that nomination or election.

21 “(2) No candidate for election to the office of Presi-
22 dent may incur any expenditure in connection with his gen-
23 eral election campaign in excess of 20 cents multiplied by
24 the voting age population (as certified under subsection
25 (f)) of the United States.

1 “(3) The Commission shall prescribe rules under which
2 any expenditure incurred by a candidate who seeks nomina-
3 tion for election to the office of President for use in two
4 or more States shall be attributed to that candidate’s ex-
5 penditure limitation in each such State based on the number
6 of persons in each State who can reasonably be expected
7 to be reached by that expenditure.

8 “(4) The Commission shall prescribe rules under which
9 a candidate for nomination for election to the office of Presi-
10 dent may authorize his national campaign committee to
11 incur expenditures in connection with his national campaign
12 in an amount not in excess of 10 per centum of the amount
13 of expenditures which he may incur in connection with his
14 primary election campaign in a State under this section. The
15 expenditure limitation applicable to that candidate for such
16 campaign in that State shall be reduced by an amount equal
17 to the amount the candidate authorizes under this section.

18 “(c) (1) No candidate who is unopposed in a primary
19 election may incur any expenditure which is in excess of
20 an amount which is equal to 20 per centum of the limita-
21 tion applicable to that candidate under subsection (a) or
22 (b) of this section.

23 “(2) A candidate in a primary or general election run-
24 off election shall have an expenditure limitation which is

1 50 per centum of the limitation in subsection (a) or (b) of
2 this section, as applicable.

3 “(3) A candidate who seeks the nomination of a
4 political party which selects its nominee by means of a
5 convention or caucus system which does not include a popular
6 election or elections shall have an expenditure limitation
7 which is 10 per centum of the limitation in subsection (a)
8 or (b) of this section, as applicable.

9 “(d) (1) Expenditures incurred on behalf of any can-
10 didate are, for the purpose of this section, considered to be
11 incurred by that candidate.

12 “(2) For purposes of this subsection, an expenditure
13 is considered to be incurred on behalf of a candidate if it
14 is incurred by—

15 “(A) an agent of the candidate for the purposes
16 of incurring any campaign expenditure,

17 “(B) any person authorized or requested by the
18 candidate to incur an expenditure on his behalf, or

19 “(C) in the case of the candidate of a political
20 party for President, the candidate of that party for Vice
21 President, or his agent, or any person he authorizes to
22 incur an expenditure on his behalf.

23 “(e) (1) For purposes of paragraph (2) —

24 “(A) ‘price index’ means the average over a calen-

1 dar year of the Consumer Price Index (all items—United
2 States city average) published monthly by the Bureau
3 of Labor Statistics, and

4 “(B) ‘base period’ means the calendar year 1973.

5 “(2) At the beginning of each calendar year (com-
6 mencing in 1975), as necessary data become available from
7 the Bureau of Labor Statistics of the Department of Labor,
8 the Secretary of Labor shall certify to the Commission and
9 publish in the Federal Register the percentage difference be-
10 tween the price index for the twelve months preceding the
11 beginning of such calendar year and the price index for the
12 base period. Each amount determined under subsections (a),
13 (b), and (c) shall be changed by such percentage difference.
14 Each amount so changed shall be the amount in effect for
15 such calendar year.

16 “(f) During the first week of January 1975, and every
17 subsequent year, the Secretary of Commerce shall certify to
18 the Commission and publish in the Federal Register an esti-
19 mate of the voting age population of the United States, of
20 each State, and of each congressional district as of the first
21 day of July next preceding the date of certification. The
22 term ‘voting age population’ means resident population,
23 eighteen years of age or older.

24 “PETITION DRIVES

25 “SEC. 507. (a) Except to the extent that such amounts
26 are changed under subsection (d) —

1 “(1) no candidate who seeks a major party nomi-
 2 nation for election to the office of Representative may
 3 incur any expenditures in connection with his petition
 4 drive to meet the requirements of section 504 which ex-
 5 ceed an amount equal to 2 cents multiplied by the vot-
 6 ing age population (as certified under section 506
 7 (f)) of the congressional district in which he seeks
 8 election; or

9 “(2) no candidate who seeks a major party nomi-
 10 nation for election to the office of Representative from
 11 a State which is entitled to only one Representative,
 12 Senator, or President, may incur any expenditures in
 13 connection with his petition drive to meet the require-
 14 ments of section 504 which exceed an amount equal to
 15 the greater of—

16 “(A) 1 cent multiplied by the voting age pop-
 17 ulation (as certified under section 506 (f)) of the
 18 geographic region in which he seeks election; or

19 “(B) \$7,500.

20 “(b) (1) No person may make a contribution to any
 21 candidate for use in connection with the petition drive of
 22 that candidate to meet the requirements of section 504
 23 which, when added to all other contributions made by that
 24 person to that candidate in connection with the same petition
 25 drive, exceeds \$100.

1 “(2) No candidate may knowingly accept a contribu-
2 tion from any person made in connection with the petition
3 drive of that candidate which, when added to all other con-
4 tributions from that person made in connection with that
5 petition drive, exceeds \$100. For purposes of this para-
6 graph, a contribution accepted by any person who makes
7 any expenditures in connection with the petition drive of a
8 candidate is considered to be accepted by that candidate.

9 “(c) No candidate may make any expenditure or
10 accept any contribution in connection with his petition drive
11 except during the period beginning three hundred days
12 before the date of the primary election of the major party
13 whose nomination the candidate seeks and ending two
14 hundred and ten days before that date.

15 “(d) (1) Each candidate who files a petition with the
16 Commission under section 504 shall report to the Com-
17 mission the amount of each contribution he receives in
18 connection with his petition drive, the identity of each con-
19 tributor, and any other information the Commission requires
20 at the time and in the manner the Commission prescribes.

21 “(2) If a candidate meets the requirements of section
22 504, the Commission shall pay an amount to each person
23 who contributed to the petition drive of that candidate an
24 amount equal to the contribution made by that person under
25 subsection (b) to that candidate.

1 “(e) Each amount under subsection (a) shall be
2 changed at the beginning of each calendar year by the
3 percentage difference between price indexes as determined
4 under section 506 (f). Each amount so changed shall be
5 the amount in effect for that calendar year.

6 “PAYMENTS BY THE COMMISSION

7 “SEC. 508. (a) (1) There is established on the books
8 of the Treasury of the United States a fund to be known
9 as the Federal Election Campaign Fund.

10 “(2) There are authorized to be appropriated to the
11 fund such amounts as are necessary to carry out the pro-
12 visions of this title.

13 “(3) On the day after the effective date of this title,
14 the Secretary of the Treasury shall transfer to the fund any
15 moneys in the Presidential Election Campaign Fund estab-
16 lished under section 9006 of the Internal Revenue Code of
17 1954.

18 “(4) The Secretary of the Treasury may transfer to the
19 general fund of the Treasury any amounts from the Federal
20 Election Campaign Fund which he determines, after con-
21 sultation with the Commission, are in excess of the amounts
22 which are necessary to carry out the provisions of this title.

23 “(b) The Secretary of the Treasury shall transfer to
24 the Commission such amounts as the Commission certifies to

1 the Secretary from time to time are necessary to make pay-
2 ments under this section.

3 “(c) (1) The Commission shall create on its books an
4 account for each political party and candidate eligible for
5 payments under section 504.

6 “(2) The Commission shall allocate the funds it receives
7 from the Secretary of the Treasury under paragraph (1)
8 among the accounts of each political party and candidate
9 according to the amount to which each party and candidate
10 is entitled under section 505.

11 “(3) The Commission shall credit all contributions
12 which a political party or candidate sends to the Commission
13 under section 615 of title 18, United States Code, to the
14 account of that party or candidate.

15 “(d) (1) A candidate who seeks the nomination of a
16 major political party may contract for goods, services, or
17 other expenditures in connection with his primary election
18 campaign only during the period beginning one hundred and
19 eighty days before the date of the primary election of that
20 party and ending on the date of that primary election.

21 “(2) A candidate may contract for goods, services, or
22 other expenditures in connection with his general election
23 campaign only during the period beginning on the date on
24 which he is nominated by a major political party for that
25 election and ending on the date of that general election.

1 A minor party or independent candidate may contract for
2 such goods and services only during the period beginning
3 one hundred and eighty days before the date of the general
4 election, or on the date on which a major party nominates
5 a candidate for the office the minor party or independent
6 candidate seeks, whichever date is earlier, and ending on
7 the date of the general election.

8 “(3) A political party may contract for goods, services,
9 or other expenditures in connection with its Federal election
10 campaign activities only during the period beginning two
11 years before the date of the next general election in which
12 it will nominate candidates and ending on the date of that
13 general election.

14 “(4) The Commission may void any contract made by
15 a party or candidate under this subsection which is fraudulent
16 or illegal before performance of that contract begins accord-
17 ing to procedures it prescribes by rule.

18 “(e) (1) The Commission shall pay all expenditures
19 incurred by each political party or candidate by contracts
20 created by that party or candidate under subsection (d). The
21 Commission may not pay any amount in excess of the
22 amount to which that political party or candidate is entitled
23 under section 505.

24 “(2) If a candidate becomes entitled to an increased
25 amount of payments under section 505 (b) (1) (B) or

1 (b) (2) (B) because of the number of votes he receives
2 in an election, the Commission shall pay the amount of
3 that increase in payments to which the candidate is entitled
4 on a pro rata basis directly to the persons who contributed
5 to that candidate in connection with that election.

6 “(f) (1) The Commission shall make all payments
7 under this section directly to the person with whom the polit-
8 ical party or candidate contracts for goods, services, or
9 other expenditures. Except as provided in paragraph (2),
10 no political party or candidate shall pay any expenditures
11 which it or he incurs in connection with a Federal election
12 campaign except through payments by the Commission
13 under this title.

14 “(2) A candidate may maintain a petty cash fund out
15 of which he, or one individual he authorizes in writing, may
16 make expenditures not in excess of \$25 to any person in
17 connection with a single purchase or transaction. A candi-
18 date for Vice President or President may maintain one petty
19 cash fund in each State. Records and reports of petty cash
20 disbursements shall be kept and furnished to the Commis-
21 sion in the form and manner the Commission prescribes.

22 “EXAMINATIONS AND AUDITS; REPAYMENTS

23 “SEC. 509. (a) After each Federal election, the Com-
24 mission shall conduct a thorough examination and audit of
25 the expenditures incurred by every candidate.

1 “(b) (1) If the Commission determines that any por-
 2 tion of the payments it makes for a political party or candi-
 3 date under section 508 was in excess of the aggregate amount
 4 of the payments to which the party or candidate was en-
 5 titled under section 505, it shall so notify that party or can-
 6 didate, and the party or candidate shall pay to the Secretary
 7 of the Treasury an amount equal to the excess amount.

8 “(2) If the Commission determines that any amount
 9 of any payment made by the Commission for a political
 10 party or candidate under section 508 was used for any pur-
 11 pose other than—

12 “(A) to pay expenditures, or

13 “(B) to repay loans the proceeds of which were
 14 used, or otherwise to restore funds (other than contri-
 15 butions to pay expenditures which were received and
 16 expended) which were used, to pay expenditures,
 17 it shall notify the party or candidate of the amount so used,
 18 and the party or candidate shall pay to the Secretary of
 19 the Treasury an amount equal to such amount.

20 “(3) If the Commission determines that a major party
 21 candidate for whom it has made payments under section 508
 22 received—

23 “(A) a total number of popular votes in the pri-
 24 mary election, in connection with which the Commission
 25 made payments for that candidate which is less than 15

1 per centum of the total number of popular votes cast for
2 all candidates seeking the same office that candidate
3 seeks in that primary election;

4 “(B) a total number of delegate votes in the nomi-
5 nating convention in connection with which the Com-
6 mission made payments for that candidate which is less
7 than 15 per centum of the total number of delegates votes
8 cast for all candidates seeking the same office that candi-
9 date seeks in that convention; or

10 “(C) a total number of popular votes in the general
11 election in connection with which the Commission made
12 payments for that candidate which is less than 25 per
13 centum of the total number of popular votes cast for all
14 candidates seeking the same office that candidate seeks
15 in that general election,

16 it shall notify that candidate and the candidate shall pay to
17 the Secretary of the Treasury an amount equal to the total
18 amount of payments which the Commission made for him
19 under section 508.

20 “(4) No payment shall be required from a political
21 party or candidate under this subsection in excess of the
22 total amount of all payments by the Commission for that
23 party or candidate under section 508.

24 “(c) No notification shall be made by the Commission

1 under subsection (b) with respect to a Federal election more
2 than three years after the day of the election.

3 “(d) A candidate for whom the Commission has made
4 payments under section 508 in an amount which is less than
5 25 per centum of the amount to which that candidate is en-
6 titled for a primary or general election under section 505
7 may withdraw as a candidate in that primary or general
8 election at any time up to the forty-fifth day before the date
9 of the primary election, or the thirtieth day before the date
10 of the general election, in connection with which the Com-
11 mission made those payments. A candidate who withdraws
12 under this subsection shall pay to the Secretary of the Treas-
13 ury an amount equal to 50 per centum of the payments which
14 the Commission made for him under section 508.

15 “(e) All payments received by the Secretary under
16 subsections (b) and (d) shall be deposited by him in the
17 fund.

18 “REPORTS TO CONGRESS; INVESTIGATIONS; RECORDS

19 “SEC. 510. (a) The Commission shall, as soon as
20 practicable after each Federal election, submit a full report
21 to the Senate and House of Representatives setting forth—

22 “(1) the expenditures incurred by each political
23 party and candidate which received a payment under
24 section 508 in connection with that election;

1 “(2) the amounts paid by it under section 508 for
2 that political party or that candidate; and

3 “(3) the amount of payments, if any, required from
4 that political party or candidate under section 509, and
5 the reasons for each payment required.

6 “(b) The Commission may conduct examinations and
7 audits (in addition to the examinations and audits under
8 section 509), investigations, and require the keeping and
9 submission of any books, records, and information necessary
10 to carry out the functions and duties imposed on it by this
11 title.

12 “JUDICIAL REVIEW

13 “SEC. 511. (a) Any agency action by the Commission
14 made under the provisions of this Act shall be subject to
15 review by the United States Court of Appeals for the District
16 of Columbia Circuit upon petition filed in such court by any
17 interested person. Any petition filed pursuant to this section
18 shall be filed within thirty days after the agency action
19 by the Commission for which review is sought.

20 “(b) The Commission, a political party, a candidate, and
21 individuals eligible to vote in an election for Federal office
22 are authorized to institute any action, including actions for
23 declaratory judgment or injunctive relief, which are appro-
24 priate to implement any provision of this title.

25 “(c) The provisions of chapter 7 of title 5, United

1 States Code, apply to judicial review of any agency action,
2 as defined in section 551 of title 5, United States Code, by
3 the Commission.

4 "PENALTIES

5 "SEC. 512. (a) Any person who violates the provisions
6 of section 506, 507, or 508 of this title shall be fined
7 not more than \$50,000, or imprisoned for not more than
8 five years, or both.

9 "(b) (1) It is unlawful for any person knowingly and
10 willfully—

11 "(A) to furnish any false, fictitious, or fraudulent
12 evidence, books, or information to the Commission under
13 this title, or to include in any evidence, books, or infor-
14 mation so furnished any misrepresentation of a material
15 fact, or to falsify or conceal any evidence, books, or
16 information relevant to an examination and audit by the
17 Commission under this title; or

18 "(B) to fail to furnish to the Commission any
19 records, books, or information required by him for
20 purposes of this title.

21 "(2) Any person who violates the provisions of para-
22 graph (1) shall be fined not more than \$50,000, or im-
23 prisoned not more than five years, or both.

24 "(c) (1) It is unlawful for any person knowingly and
25 willfully to give or accept any kickback or any illegal pay-

1 ment in connection with any expenditure incurred by a
2 candidate or political party which the Commission pays
3 under section 508.

4 “(2) Any person who violates the provisions of para-
5 graph (1) shall be fined not more than \$50,000 or im-
6 prisoned not more than five years, or both.

7 “(d) (1) Any person who violates any provision of this
8 title or of section 602, 608, 610, 611, 612, 613, 614,
9 615, 616, or 617 of title 18, United States Code, may in
10 addition to any other penalty, be assessed a civil penalty by
11 the Commission under paragraph (2) of this subsection of
12 not more than \$10,000 for each violation. Each violation
13 of this title and each day of noncompliance with an order
14 of the Commission shall constitute a separate offense. In
15 determining the amount of the penalty the Commission shall
16 consider the person’s history of previous violations, the ap-
17 propriateness of such penalty to the financial resources of
18 the person charged, the gravity of the violation, and the
19 demonstrated good faith of the person charged in attempting
20 to achieve rapid compliance after notification of a violation.

21 “(2) A civil penalty under this subsection shall be
22 assessed only after the person charged with a violation has
23 been given an opportunity for a hearing and the Commis-
24 sion has determined, by decision which includes findings
25 of fact, that a violation did occur, and the amount of the

1 penalty. Any hearing under this section shall be held in
2 accordance with section 554 of title 5, United States Code.

3 “(3) If the person against whom a civil penalty is
4 assessed fails to pay the penalty, the Commission may file
5 a petition for enforcement of its order assessing the penalty
6 in any appropriate district court of the United States. The
7 petition shall designate the person against whom the order is
8 sought to be enforced as the respondent. A copy of the
9 petition shall forthwith be sent by registered or certified
10 mail to the respondent and his attorney of record, and there-
11 upon the Commission shall certify and file in such court
12 the record upon which such order sought to be enforced
13 was issued. The court shall have jurisdiction to enter a judg-
14 ment enforcing, modifying, and enforcing as so modified, or
15 setting aside in whole or in part the order and decision of the
16 Commission or it may remand the proceedings to the Com-
17 mission for such further action as it may direct. The court
18 may determine de novo all issues of law but the Commis-
19 sion’s findings of fact, if supported by substantial evidence,
20 shall be conclusive.

21 “RELATIONSHIP TO OTHER FEDERAL ELECTION LAWS

22 “SEC. 513. The Commission shall consult from time to
23 time with the Secretary of the Senate, the Clerk of the
24 House of Representatives, the Federal Communications Com-
25 mission, and with other Federal officers charged with the

1 administration of laws relating to Federal elections, in order
 2 to develop as much consistency and coordination with the
 3 administration of those other laws as the provisions of this
 4 title permit. The Commission shall use the same or com-
 5 parable data as that used in the administration of such other
 6 election laws whenever possible.

7 "AUTHORIZATION OF APPROPRIATIONS

8 "SEC. 514. There are authorized to be appropriated to
 9 the Commission, for the purpose of carrying out its functions
 10 under this title, such funds as are necessary for the fiscal
 11 year ending July 30, 1975, and each fiscal year thereafter."

12 (b) The Federal Election Campaign Act of 1971 is
 13 amended by--

14 (1) striking out "Comptroller General" in sections
 15 104 (a) (3), (4), and (5) and inserting "Federal
 16 Election Commission";

17 (2) striking out "Comptroller General" in section
 18 105 and inserting "Federal Election Commission";

19 (3) amending section 301 (g) (relating to defini-
 20 tions) to read as follows:

21 "(g) 'Commission' means the Federal Elec-
 22 tion Commission";

23 (4) striking out "supervisory officer" in section
 24 302 (d) (relating to organization of political commit-
 25 tees) and inserting "Commission";

1 (5) amending section 302 (f) by—

2 (A) striking out “appropriate supervisory offi-
3 cer” in the quoted matter appearing in paragraph
4 (1) and inserting “Federal Election Commission”;

5 (B) striking out “supervisory officer” in sub-
6 paragraphs (A) and (B) of paragraph (2) and
7 inserting “Commission”; and

8 (C) striking out “which has filed a report with
9 him” in paragraph (2) (A) and inserting “which
10 has filed a report with it”;

11 (6) amending section 303 (relating to registration
12 of political committees; statements) by—

13 (A) striking out “supervisory officer” each
14 time it appears and inserting “Commission”; and

15 “(B) striking out “he” in the second sentence
16 of subsection (a) and inserting “it”;

17 (7) amending section 304 (relating to reports by
18 political committees and candidates) by—

19 (A) striking out “appropriate supervisory offi-
20 cer” and “him” in the first sentence of subsection
21 (a), and inserting “Commission” and “it”, respec-
22 tively;

23 (B) striking out “supervisory officer” where it
24 appears in the second sentence of subsection (a)

1 and in paragraphs (12) and (13) of subsection
2 (b), and inserting "Commission"; and

3 (C) striking out everything after "filing" in
4 the second sentence of subsection (a) and insert-
5 ing a period;

6 (8) striking out "supervisory officer" each place it
7 appears in section 305 (relating to reports by other
8 than political committees) and section 306 (relating
9 to formal requirements respecting reports and state-
10 ments) and inserting "Commission";

11 (9) striking out "Comptroller General of the
12 United States" and "he" in section 307 (relating to
13 reports on convention financing) and inserting "Federal
14 Election Commission" and "it", respectively;

15 (10) striking out "SUPERVISORY OFFICER" in the
16 caption of section 308 (relating to duties of the super-
17 visory officer) and inserting "COMMISSION";

18 (11) striking out "supervisory officer" in the first
19 sentences of subsections 308 (a) and 308 (b) and insert-
20 ing "Commission";

21 (12) amending section 308 (a) by—

22 (A) striking out "him" in paragraphs (1) and
23 (4) and inserting "it"; and

24 (B) striking out "he" each place it appears in
25 paragraphs (7) and (9) and inserting "it";

1 (13) amending subsection (c) of section 308 by—

2 (A) striking out “Comptroller General” each
3 place it appears therein and inserting “Commis-
4 sion”, and striking “his” in the second sentence of
5 such subsection and inserting “its”; and

6 (B) striking out the last sentence thereof;

7 (14) amending subsection (d) (1) of section 308
8 by—

9 (A) striking out “supervisory officer” each
10 place it appears therein and inserting “Commis-
11 sion”;

12 (B) striking out “he” the first place it appears
13 in the second sentence and inserting “it”; and

14 (C) striking out “The Attorney General on
15 behalf of the United States” and inserting “The
16 Commission or the Attorney General on behalf of
17 the United States”; and

18 (15) striking out “a supervisory officer” in section
19 309 (relating to statements filed with State officers) and
20 inserting “the Commission”.

21 (c) (1) Section 5314 of title 5, United States Code, is
22 amended by adding at the end thereof the following para-
23 graph:

24 “(60) Members, Federal Election Commission
25 (7).”.

1 (2) Section 5316 of such title is amended by redesignig-
2 nating the second paragraph (133) as (134), and by add-
3 ing at the end thereof the following paragraphs:

4 “(135) General Counsel, Federal Election Com-
5 mission.

6 “(136) Executive Director, Federal Election Com-
7 mission.”.

8 (d) Until the appointment of all of the members of the
9 Federal Election Commission and its General Counsel and
10 until the transfer provided for in this subsection, the Comp-
11 troller General, the Secretary of the Senate, and the Clerk
12 of the House of Representatives shall continue to carry out
13 their responsibilities under title I and title III of the Federal
14 Election Campaign Act of 1971 as those titles existed on the
15 day before the date of enactment of this Act. Upon the
16 appointment of all the members of the Commission and its
17 General Counsel, the Comptroller General, the Secretary
18 of the Senate, and the Clerk of the House of Representatives
19 shall meet with the Commission and arrange for the transfer,
20 within thirty days after the date on which all such members
21 are appointed, of all records, documents, memorandums, and
22 other papers associated with carrying out their responsi-
23 bilities under title I and title III of the Federal Election
24 Campaign Act of 1971 as it existed on the day before the
25 date of enactment of this Act.

1 (e) Subtitle H (Financing of Presidential Election
2 Campaigns) of the Internal Revenue Code of 1954 (re-
3 lating to financing of Presidential election campaigns) is
4 repealed.

5 (f) The amendments made by this section shall take
6 effect on January 1, 1975.

7 On page 42, beginning with line 1, strike out through
8 line 16 on page 59.

9 On page 59, strike out lines 18, 19, 20, and 21, and in-
10 sert in lieu thereof the following:

11 SEC. 207. Section 308 (a) (6) of the Federal Election
12 Campaign Act of 1971 is amended to read as follows:

13 On page 60, beginning with line 13, strike out through
14 line 9 on page 61.

15 On page 61, line 12, strike out "SEC. 210." and insert
16 in lieu thereof "SEC. 208."

17 On page 61, line 14, strike out "redesignated as section
18 314 of such Act and".

19 On page 61, strike out lines 16, 17, and 18.

20 On page 61, line 19, strike out "(2)" and insert in
21 lieu thereof "(1)".

22 On page 61, line 24, strike out "(3)" and insert in lieu
23 thereof "(2)".

24 On page 62, line 6, strike out "211." and insert in lieu
25 thereof "209."

1 On page 62, line 8, strike out “redesignated as section
2 315 of such Act and”.

3 On page 62, strike out lines 12 and 13.

4 On page 62, line 15, strike out “212.” and insert in lieu
5 thereof “210.”.

6 On page 62, beginning with line 18, strike out through
7 line 5 on page 64.

8 On page 64, line 7, strike out “318.” and insert in lieu
9 thereof “311.”.

10 On page 64, line 9, beginning with “, title V,”, strike
11 out through “Code,” on line 10.

12 On page 64, line 14, strike out “319.” and insert in lieu
13 thereof “312.”.

14 On page 64, line 23, strike out “213.” and insert in
15 lieu thereof “211.”.

16 On page 71, line 20, strike out “(1)”.

17 On page 72, line 1, strike out “would be limited under
18 section 504” and insert in lieu thereof “is limited under sec-
19 tion 506”.

20 On page 72, strike out lines 2 and 3 and insert in lieu
21 thereof “Campaign Act of 1971.”.

22 On page 72, line 4, strike out “(2)” and insert in lieu
23 thereof “(b) (1)”.

24 On page 72, line 7, strike out “(3)” and insert in lieu
25 thereof “(2)”.

1 On page 72, line 12, strike out “(4)” and insert in
2 lieu thereof “(3)”.

3 On page 72, line 21, strike out “(5)” and insert in lieu
4 thereof “(c)”.

5 On page 73, beginning with line 3, strike out through
6 line 4 on page 75.

7 On page 75, line 6, strike out “(a) (5)” and insert in
8 lieu thereof “(c)”.

9 On page 75, line 11, strike out “(a) (4)” and insert
10 in lieu thereof “(b)”.

11 On page 75, beginning with line 19, strike out through
12 line 8 on page 77 and insert in lieu thereof the following:

13 “(a) (1) No person may make a contribution to a
14 major party, to a candidate who seeks the nomination of
15 a major party, or to the candidate of a major party for use in
16 connection with a primary election or general election cam-
17 paign of that party or candidate.

18 “(2) No major party candidate who seeks the nomi-
19 nation of a major party, or candidate of a major party may
20 knowingly accept a contribution from any person in connec-
21 tion with a primary election or general election campaign of
22 that party or candidate. For purposes of this paragraph, a
23 contribution accepted by any political committee which
24 makes any expenditures in connection with the primary or
25 general election campaign of a major party or the candidate

1 of a major party shall be considered to be received by that
2 party or candidate.

3 “(b) No minor party may accept contributions in con-
4 nection with its Federal election campaign activities in
5 excess of an amount which, when added to the maximum
6 amount of payments by the Federal Election Commission
7 to which that party is entitled under section 505 of the
8 Federal Election Campaign Act of 1971, exceeds the amount
9 of payments by the Commission to which a major party is
10 entitled under section 505 of such Act.

11 “(c) (1) No candidate who seeks the nomination of a
12 minor party may accept total contributions in connection
13 with his primary election campaign which exceeds the amount
14 of the limitation on expenditures which applies to a candidate
15 in a primary election campaign under section 506 (a) (1)
16 or (b) of the Federal Election Campaign Act of 1971.

17 “(2) (A) A candidate of a minor party or an inde-
18 pendent candidate may accept contributions in connection
19 with his general election campaign only during the period
20 beginning one hundred and eighty days before the date of
21 the general election, or on the date on which a major party
22 nominates a candidate for the office the minor party or inde-
23 pendent candidate seeks, whichever date is earlier, and end-
24 ing on the date of the general election.

25 “(B) No candidate of a minor party or independent

1 candidate may accept total contributions which, when added
2 to the maximum amount of payments by the Federal Elec-
3 tion Commission to which that candidate is entitled under
4 section 505 of the Federal Election Campaign Act of 1971,
5 exceed the limitation on expenditures which applies to a
6 candidate in a general election campaign under section 506
7 (a) (2) or (b) of such Act.

8 “(d) For purposes of this section, a contribution ac-
9 cepted by any political committee which makes any expendi-
10 tures in connection with the primary or general election cam-
11 paign of a minor party, a candidate who seeks the
12 nomination of a minor party, a minor party candidate, or an
13 independent candidate, is considered to be accepted by that
14 party or candidate.

15 “(e) (1) No person may make a contribution which,
16 when added to all other contributions made by that person
17 to the same party or candidate in connection with the same
18 campaign, exceeds \$100. This \$100 limitation applies sep-
19 arately to contributions made in connection with a primary
20 election campaign and with a general election campaign.

21 “(2) No party or candidate may knowingly accept
22 contributions in connection with its Federal election cam-
23 paign from any person which, when added to all other con-
24 tributions accepted by that party or candidate which were
25 made by that person in connection with the same campaign,

1 equals an amount in excess of \$100. This \$100 limitation
2 applies separately to contributions made in connection with
3 a primary election campaign and with a general election
4 campaign. For purposes of this paragraph a contribution
5 accepted by any political committee which makes any ex-
6 penditures in connection with the primary or general elec-
7 tion campaign of a candidate shall be considered to be ac-
8 cepted by that candidate.

9 “(f) No person may make a contribution which, when
10 added to all other contributions made by that person to all
11 political parties and candidates in connection with any pri-
12 mary election or general election campaigns during the
13 preceding twelve months, exceeds \$1,000.

14 “(g) All contributions which a party or candidate re-
15 ceives shall be sent to the Federal Election Commission in
16 the manner and with any information about the identity of
17 the contributor which the Commission prescribes by rule.

18 “(h) (1) No person shall make any expenditure advo-
19 cating the election or defeat of a clearly identified candidate
20 or political party during any calendar year (other than an
21 expenditure made on behalf of a candidate, as defined in
22 section 506 (d) (2)) of the Federal Election Campaign
23 Act of 1971 which, when added to all other such expendi-
24 tures made by that person during that year exceeds \$1,000.

1 “(2) For purposes of paragraph (1), ‘clearly identified’
2 means—

3 “(A) the candidate or political party is named;

4 “(B) a photograph or drawing of the candidate
5 appears; or

6 “(C) the identity of the candidate or political party
7 is apparent by unambiguous reference.

8 “(3) For purposes of paragraph (1), ‘person’ does
9 not include a political party.

10 “(i) For purposes of this section—

11 “(1) ‘contribution’ does not include moneys col-
12 lected for a petition drive under section 507 of the
13 Federal Election Campaign Act of 1971; and

14 “(2) ‘major party’ and ‘minor party’ have the same
15 definitions as under section 501 of the Federal Election
16 Campaign Act of 1971.”

Amdt. No. 1067

Calendar No. 665

93^d CONGRESS
2^d SESSION

S. 3044

AMENDMENTS

Intended to be proposed by Mr. CLARK to S. 3044, a bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

MARCH 26, 1974

Ordered to lie on the table and to be printed